IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Crl.Misc.No.23056-M of 2007
Date of Decision:- 18.04.2007

Sahib Singh & anr. ....Petitioner(s)

through
Mr.M.K.Singla, Advocate

vs.

State of Punjab etc. ....Respondent(s)

through
None.

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CORAM:-HON'BLE MR.JUSTICE SURYA KANT.

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1) Whether Reporters of the local papers may be allowed to see the judgment?
2) To be referred to the Reporters or not?
3) Whether the judgment should be reported in the Digest?

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SURYA KANT, J.

The prayer in this petition is for quashing of F.I.R.No.228 dated 5.8.2005 under Section 13-A of the Punjab Village Common Lands (Regulation) Act, 1961 and Section 447 of the IPC registered at Police Station Sirhind, District Fatehgarh Sahib.

After arguing the case for some time, learned counsel for the petitioners seeks permission to withdraw this petition with liberty to the petitioners to raise all the pleas before the learned trial Court at an appropriate stage. He further submits that petitioner No.2 is a young student and if he is required to appear before the learned trial Court on each and every date of hearing, it is likely to harm his academic career. It is also argued that since petitioner No.1 is father of petitioner No.2, the said petitioner can safe-guard the interest of petitioner no.2 as well.

After hearing learned counsel for the petitioners, this petition is

dismissed as withdrawn with liberty to the petitioners to raise all the pleas before the learned trial Court at an appropriate stage and the same shall be considered in accordance with law. However, having regard to the age of petitioner No.2 and the fact that he is stated to be a student, liberty is granted to him to move an application for grant of exemption from personal appearance and if any such application is moved by him, the learned trial Court shall grant him exemption subject to the following conditions:-(i) he shall be represented through counsel; (ii) shall not delay/stall the trial proceedings; (iii) shall not dispute his identity as an accused; (iv) shall have no objection if the prosecution evidence is recorded in his absence but in the presence of his counsel; and (v) any other condition which the learned trial Court may impose.

April 18, 2007 **(SURYA KANT)**
poonam **JUDGE**